

REMARKS

The Office Action dated January 7, 2004 presents the examination of claims 34, 48-50, 58-59, and 62-63. Claims 34, 48-50, and 58-59 are allowed. Rejected claims 62 and 63 are canceled herein. Claim 48 is amended to refer to claims 58 and 59. Support for the amendment to claim 48 is found in the specification on pages 54-55 (Example 4). No new matter is inserted into the application.

Interview

A telephone interview was held with the Examiner on March 24, 2004. During the interview, the Examiner was advised that Applicants intended to amend claim 48 to be dependent from claims 34, 58, or 59. The assistance of the Examiner in advancing prosecution of the present application is appreciated.

Request for Telephone Interview (if necessary)

Due to the lengthy pendency of the present application, if there are any minor matters precluding allowance of the application which may be resolved by a telephone discussion, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at (703) 205-8000, at least prior to the issuance of an Advisory Action.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejects claims 62 and 63 under 35 U.S.C. § 112, first paragraph, for allegedly containing new matter. Claims 62 and 63 are canceled, thus rendering the rejection moot.

It should be noted that Applicants do not acquiesce that the canceled claims fail to meet the requirements of 35 U.S.C. § 112, first paragraph. However, these claims are canceled in order to obtain immediate allowance of the present application.

Claim 48

Claim 48 is amended to be dependent upon allowed claims 34, 58, or 59. This amendment is necessary to correct an oversight in the Reply filed on November 14, 2003. Specifically, claim 48 was amended on November 14, 2003 from "An expression plasmid comprising the nucleic acid molecule of claim 34, 41, or 42" to "An expression plasmid comprising the nucleic acid molecule of claim 34." This amendment was necessary since claims 41 and 42 were canceled in the same Reply. Claims 58 and 59, which were dependent upon claims 41 and 42, were amended into independent form. Thus, instead of merely depending from claim 34, claim 48 should have been amended to also depend upon newly independent claims 58 and 59. The correction of claim 48 herein does not involve any new matter or raise any new issues that would require further search and/or consideration. For this reason, the Examiner is respectfully

requested to allow claim 48.

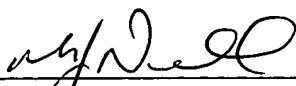
Conclusion


Applicants respectfully submit that all of the outstanding issues precluding allowance of the present application have been addressed and overcome by Applicants, such that the present application is now in condition for allowance. The Examiner is therefore respectfully requested to issue a Notice of Allowance indicating that claims 34, 48-50, 58-59, and 62-63 are allowed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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